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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,687	10/07/2003	Stuart E. Pettengill	68,170-002	6232

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,687

Applicant(s)

PETTENGILL ET AL.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10072003</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification Objections

The disclosure is objected to because of the following minor informalities: it appears that reference numeral "18" ([0019], line 5) should be --16--. Correction is required.

Drawing Objections

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second component covering the whole of the respective sides (claim 8) and the fastener comprising a button and buttonhole (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 7 is objected to because of the following informalities: The passage "being fixed of very any portion" (lines 2-3) is written in non-idiomatic English. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.

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Claims 1-7, 9, 11 15 and 16 are rejected under 35 U.S.C. §102(a) as being clearly anticipated by Tye (GB 237341).

Tye (figures 1, 2) teaches a device for maintaining position of a ring comprising: a strip of neoprene latex material 3 of generally rectangular shape with strips of Velcro 4, 5 located at opposite ends 6, 7 of the strip and on opposite sides thereof. Since Velcro is used the fastener is considered to be infinitely adjustable. In regard to claim 2, neoprene latex is a material that floats. As to claim 6, the use of threads or glue to secure the Velcro is conventional, as indicated by Tye on page 4, ¶4). In regard to claim 11, Velcro is commonly associated with hook and loop material and renders thereby teaches the use of a hook fastener.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tye (GB 237341) in view of Rivas (US 6295704).

Tye (figure 3) teaches a device for maintaining position of a ring comprising: a strip of material of generally rectangular shape with a press-stud 8 having mating portions located at opposite ends 9, 10 of the strip and on opposite sides thereof. The difference is that a button and buttonhole is not used. However, Rivas (figures 1-3B) teaches that a button 42 and buttonhole 44 are fully capable of being used on a strip as an alternative to hook and loop material or a press-stud to keep the ends of a strip secured together. It would have been obvious to utilize a

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button and buttonhole on the ends of the strip of Tye in place of the press-stud because Rivas teaches such a simple construction to perform the fastening. In regard to claim 14, Rivas suggests curving the ends of the strap as shown in figure 1, thereby rendering obvious the aesthetic choice of an oval strip.

Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tye (GB 237341) in view of Falcone (US 5272682).

Tye (figures 1, 2) teaches a device for maintaining position of a ring comprising: a strip of neoprene latex material 3 of generally rectangular shape with strips of Velcro 4, 5 located at opposite ends 6, 7 of the strip and on opposite sides thereof. Tye also teaches that strips such as his are usable to secure other jewelry such as that worn on a wrist (page, 9, ¶5). The difference is that it lacks a slit in the strip between its ends. However, Falcone (figure 1) suggests placing a slit 34 in the strip 10 between its ends so as to make viewing the secured object, in this case a watch, easier. As it would be beneficial to be able to view the jewelry worn under the strap of Tye, it would have been obvious to modify the device of Tye by placing a slit between its ends as taught to be desirable by Falcone.

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tye (GB 237341) in view of Koerner (US 5048158).

Tye (figures 1, 2) teaches a device for maintaining position of a ring comprising: a strip of neoprene latex material 3 of generally rectangular shape with strips of Velcro 4, 5 located at opposite ends 6, 7 of the strip and on opposite sides thereof. The difference is that it lacks hooks on the whole of one face and loops on the whole of the other. It would have been obvious to provide greater adjustability by providing hooks on the whole of one face and loops on the whole

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of the other in view of Koerner (figure 7) teaching such structure to be old and well known for providing greater adjustability.

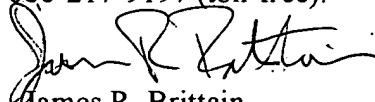
Conclusion

The patents of Caldow (US D337543, figures 1-6), Goldwitz (US 5184353, figures 1, 6), Burnett (US 6023786, figures 1, 2, 4-6, 8), Morris (GB 2362310, figure 1) and Amthor (DE 3446331, figures 1-4) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James R. Brittain
Primary Examiner
Art Unit 3677

JRB